

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**JASON GARY FULLER**

Applicant for Registered Nurse License

Respondent

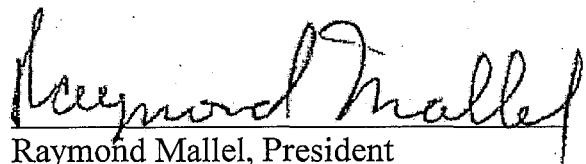
Case No. 2012 -518

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **November 15, 2012.**

IT IS SO ORDERED **October 16, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 HELENE E. SWANSON  
Deputy Attorney General  
4 State Bar No. 130426  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-3005  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 2012-518

12 **JASON GARY FULLER**  
13 **#20 8th St.**  
**Cayucos, CA 93430**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 **Registered Nurse License application**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:  
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20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
22 Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Helene E. Swanson, Deputy Attorney General.

25 2. Respondent Jason Gary Fuller (Respondent) is representing himself in this proceeding  
26 and has chosen not to exercise his right to be represented by counsel.  
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3. On or about December 17, 2010, Respondent filed an application dated December 14, 2010, with the Board of Registered Nursing, to obtain a Registered Nurse License.

## JURISDICTION

4. Statement of Issues No. 2012-518 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on March 13, 2012.

5. A copy of Statement of Issues No. 2012-518 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2012-518. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9 Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2012-518.

10. Respondent agrees that his Registered Nurse License application is subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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1 stayed and Respondent placed on probation for a period of three (3) years on the following  
2 conditions:

3 **Severability Clause.** Each condition of probation contained herein is a separate and  
4 distinct condition. If any condition of this Order, or any application thereof, is declared  
5 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
6 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
7 and enforceable to the fullest extent permitted by law.

8 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full  
9 and detailed account of any and all violations of law shall be reported by Respondent to the Board  
10 in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance  
11 with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees  
12 within 45 days of the effective date of the decision, unless previously submitted as part of the  
13 licensure application process.

14 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
15 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
16 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

17 2. **Comply with the Board's Probation Program.** Respondent shall fully comply  
18 with the conditions of the Probation Program established by the Board and cooperate with  
19 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
20 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
21 more than 15 days of any address change and shall at all times maintain an active, current license  
22 status with the Board, including during any period of suspension.

23 Upon successful completion of probation, Respondent's license shall be fully restored.

24 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
25 person at interviews/meetings as directed by the Board or its designated representatives.

26 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
27 practice as a registered nurse outside of California shall not apply toward a reduction of this  
28 probation time period. Respondent's probation is tolled, if and when he resides outside of

1 California. Respondent must provide written notice to the Board within 15 days of any change of  
2 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
3 returning to practice in this state.

4 Respondent shall provide a list of all states and territories where he has ever been licensed  
5 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
6 information regarding the status of each license and any changes in such license status during the  
7 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
8 license during the term of probation.

9 **5. Submit Written Reports.** Respondent, during the period of probation, shall  
10 submit or cause to be submitted such written reports/declarations and verification of actions under  
11 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
12 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
13 Respondent shall immediately execute all release of information forms as may be required by the  
14 Board or its representatives.

15 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
16 state and territory in which he has a registered nurse license.

17 **6. Function as a Registered Nurse.** Respondent, during the period of probation,  
18 shall engage in the practice of registered nursing in California for a minimum of 24 hours per  
19 week for 6 consecutive months or as determined by the Board.

20 For purposes of compliance with the section, "engage in the practice of registered nursing"  
21 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
22 non-direct patient care position that requires licensure as a registered nurse.

23 The Board may require that advanced practice nurses engage in advanced practice nursing  
24 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

25 If Respondent has not complied with this condition during the probationary term, and  
26 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
27 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
28 extension of Respondent's probation period up to one year without further hearing in order to

1 comply with this condition. During the one year extension, all original conditions of probation  
2 shall apply.

3       7.     **Employment Approval and Reporting Requirements.** Respondent shall obtain  
4 prior approval from the Board before commencing or continuing any employment, paid or  
5 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
6 performance evaluations and other employment related reports as a registered nurse upon request  
7 of the Board.

8       Respondent shall provide a copy of this Decision to his employer and immediate  
9 supervisors prior to commencement of any nursing or other health care related employment.

10       In addition to the above, Respondent shall notify the Board in writing within seventy-two  
11 (72) hours after he obtains any nursing or other health care related employment. Respondent  
12 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
13 regardless of cause, from any nursing, or other health care related employment with a full  
14 explanation of the circumstances surrounding the termination or separation.

15       8.     **Supervision.** Respondent shall obtain prior approval from the Board regarding  
16 Respondent's level of supervision and/or collaboration before commencing or continuing any  
17 employment as a registered nurse, or education and training that includes patient care.

18       Respondent shall practice only under the direct supervision of a registered nurse in good  
19 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
20 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
21 approved.

22       Respondent's level of supervision and/or collaboration may include, but is not limited to the  
23 following:

24       (a)    Maximum - The individual providing supervision and/or collaboration is present in  
25 the patient care area or in any other work setting at all times.

26       (b)    Moderate - The individual providing supervision and/or collaboration is in the patient  
27 care unit or in any other work setting at least half the hours Respondent works.

28       (c)    Minimum - The individual providing supervision and/or collaboration has person-to-

1 person communication with Respondent at least twice during each shift worked.

2 (d) Home Health Care - If Respondent is approved to work in the home health care  
3 setting, the individual providing supervision and/or collaboration shall have person-to-person  
4 communication with Respondent as required by the Board each work day. Respondent shall  
5 maintain telephone or other telecommunication contact with the individual providing supervision  
6 and/or collaboration as required by the Board during each work day. The individual providing  
7 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
8 patients' homes visited by Respondent with or without Respondent present.

9 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in  
10 any private duty position as a registered nurse, a temporary nurse placement agency, a traveling  
11 nurse, or for an in-house nursing pool.

12 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
13 registered nursing supervision and other protections for home visits have been approved by the  
14 Board. Respondent shall not work in any other registered nursing occupation where home visits  
15 are required.

16 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
17 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
18 and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of nursing or as an  
20 instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned, identified and predetermined  
22 worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
24 request documentation to determine whether there should be restrictions on the hours of work.

25 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll  
26 and successfully complete a course(s) relevant to the practice of registered nursing no later than  
27 six months prior to the end of his probationary term.

28 Respondent shall obtain prior approval from the Board before enrolling in the course(s).



Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Violation of Probation.** If Respondent violates the conditions of his probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

12. **License Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

13. **Physical Examination.** Within 45 days of the effective date of this Decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an

1 assessment of the Respondent's physical condition and capability to perform the duties of a  
2 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
3 medically determined, a recommended treatment program will be instituted and followed by the  
4 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
5 to the Board on forms provided by the Board.

6 If Respondent is determined to be unable to practice safely as a registered nurse, the  
7 licensed physician, nurse practitioner, or physician assistant making this determination shall  
8 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
9 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
10 immediately cease practice and shall not resume practice until notified by the Board. During this  
11 period of suspension, Respondent shall not engage in any practice for which a license issued by  
12 the Board is required until the Board has notified Respondent that a medical determination  
13 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
14 of this probationary time period.

15 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
16 requirement, Respondent shall immediately cease practice and shall not resume practice until  
17 notified by the Board. This period of suspension will not apply to the reduction of this  
18 probationary time period. The Board may waive or postpone this suspension only if significant,  
19 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
20 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
21 Only one such waiver or extension may be permitted.

22 **14. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

23 Respondent, at his expense, shall successfully complete during the probationary period or shall  
24 have successfully completed prior to commencement of probation a Board-approved  
25 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
26 submitted by the program on forms provided by the Board. If Respondent has not completed a  
27 Board-approved treatment/rehabilitation program prior to commencement of probation,  
28 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.

1 If a program is not successfully completed within the first nine months of probation, the Board  
2 shall consider Respondent in violation of probation.

3 Based on Board recommendation, each week Respondent shall be required to attend at least  
4 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
5 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
6 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
7 added. Respondent shall submit dated and signed documentation confirming such attendance to  
8 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
9 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
10 and/or other ongoing recovery groups.

11 15. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
12 completely abstain from the possession, injection or consumption by any route of all controlled  
13 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
14 are ordered by a health care professional legally authorized to do so as part of documented  
15 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
16 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
17 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
18 longer be required, and the effect on the recovery plan, if appropriate.

19 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
20 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
21 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
22 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
23 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
24 considered addictive have been prescribed, the report shall identify a program for the time limited  
25 use of any such substances.

26 The Board may require the single coordinating physician, nurse practitioner, or physician  
27 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
28 medicine.

1           16.       **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
2 random, biological fluid testing or a drug screening program which the Board approves. The  
3 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
4 for keeping the Board informed of Respondent's current telephone number at all times.  
5 Respondent shall also ensure that messages may be left at the telephone number when he is not  
6 available and ensure that reports are submitted directly by the testing agency to the Board, as  
7 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
8 program and Respondent shall be considered in violation of probation.

9           In addition, Respondent, at any time during the period of probation, shall fully cooperate  
10 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
11 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
12 hypnotics, dangerous drugs, or other controlled substances.

13           If Respondent has a positive drug screen for any substance not legally authorized and not  
14 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
15 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
16 practice pending the final decision on the petition to revoke probation or the accusation. This  
17 period of suspension will not apply to the reduction of this probationary time period.

18           If Respondent fails to participate in a random, biological fluid testing or drug screening  
19 program within the specified time frame, Respondent shall immediately cease practice and shall  
20 not resume practice until notified by the Board. After taking into account documented evidence  
21 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
22 suspend Respondent from practice pending the final decision on the petition to revoke probation  
23 or the accusation. This period of suspension will not apply to the reduction of this probationary  
24 time period.

25           17.       **Mental Health Examination.** Respondent shall, within 45 days of the effective  
26 date of this Decision, have a mental health examination including psychological testing as  
27 appropriate to determine his capability to perform the duties of a registered nurse. The  
28 examination will be performed by a psychiatrist, psychologist or other licensed mental health

1 practitioner approved by the Board. The examining mental health practitioner will submit a  
2 written report of that assessment and recommendations to the Board. All costs are the  
3 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
4 result of the mental health examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the  
6 licensed mental health care practitioner making this determination shall immediately notify the  
7 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
9 practice and may not resume practice until notified by the Board. During this period of  
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
11 is required, until the Board has notified Respondent that a mental health determination permits  
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
13 probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
15 requirement, Respondent shall immediately cease practice and shall not resume practice until  
16 notified by the Board. This period of suspension will not apply to the reduction of this  
17 probationary time period. The Board may waive or postpone this suspension only if significant,  
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
19 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
20 Only one such waiver or extension may be permitted.

21 18. **Therapy or Counseling Program.** Respondent, at his expense, shall participate  
22 in an on-going counseling program until such time as the Board releases him from this  
23 requirement and only upon the recommendation of the counselor. Written progress reports from  
24 the counselor will be required at various intervals.

#### 25 ACCEPTANCE

26 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
27 stipulation and the effect it will have on my Registered Nurse License application. I enter into  
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1 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
2 agree to be bound by the Decision and Order of the Board of Registered Nursing.

3  
4 DATED: 6/13/12

Jason Gary Fuller  
JASON GARY FULLER  
Respondent

6  
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
9 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
10 Affairs.

11 Dated: 7/4/12

Respectfully submitted,

13 KAMALA D. HARRIS  
Attorney General of California  
14 GREGORY J. SALUTE  
Supervising Deputy Attorney General

15 Helene E. Swanson  
16 HELENE E. SWANSON  
17 Deputy Attorney General  
Attorneys for Complainant

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## **Exhibit A**

**Statement of Issues No. 2012-518**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 HELENE E. SWANSON  
Deputy Attorney General  
4 State Bar No. 130426  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-3005  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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10 In the Matter of the Statement of Issues  
11 Against:

12 **JASON GARY FULLER**  
13 #20 8th St.  
Cayucos, CA 93430

14 Registered Nurse License Application

15 Respondent.

Case No. **2012-518**

**STATEMENT OF ISSUES**

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
19 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs (Board).

21 2. On or about December 17, 2010, the Board received a Registered Nurse License  
22 application from Jason Gary Fuller (Respondent). On or about December 14, 2010, Jason Gary  
23 Fuller certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application. On or about May 2, 2011, the Board sent a letter to  
25 Respondent notifying him of the denial of his application. On or about June 24, 2011,  
26 Respondent requested a hearing to appeal the denial of his application.

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(a) Unprofessional conduct, which includes, but is not limited to, the following:"

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

8. Section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof. . . ."

### **REGULATORY PROVISIONS**

9. California Code of Regulations, title 16, section 1444 states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
2 safety, or welfare. . . ."

3 **FIRST CAUSE FOR DENIAL OF APPLICATION**

4 **(Substantially Related Convictions)**

5 10. Respondent's application is subject to denial under Section 2761, subdivision (f), in  
6 conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was  
7 convicted of substantially related crimes, as follows:

8 a. On or about September 14, 2004, after pleading nolo contendere, Respondent was  
9 convicted of one misdemeanor count of violating Penal Code section 647(f) [disorderly conduct:  
10 intoxication drugs/alcohol] in the criminal proceeding entitled *The People of the State of*  
11 *California v. Jason Gary Fuller* (Super. Ct. San Luis Obispo County, 2004, No. M000362617).  
12 The Court sentenced Respondent to serve three days in jail. The circumstances underlying the  
13 conviction occurred on or about September 12, 2004, when Respondent was arrested for  
14 disorderly conduct while under the influence of alcohol and/or drugs.

15 b. On or about March 25, 2004, after pleading nolo contendere, Respondent was  
16 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with an  
17 equal to or greater than 0.08% blood alcohol, to wit, 0.18% BAC] in the criminal proceeding  
18 entitled *The People of the State of California v. Jason Gary Fuller* (Super. Ct. San Luis Obispo  
19 County, 2004, No. M000354381). The Court sentenced Respondent to 17 days in jail, placed him  
20 on three years probation, ordered him to complete a Second Offender Alcohol/Drug Treatment  
21 Program, and to pay various fines. The circumstances underlying the conviction occurred on or  
22 about February 26, 2004, when Respondent was arrested for driving a vehicle with a blood  
23 alcohol content level of .18%.

24 c. On or about August 14, 2002, after pleading nolo contendere, Respondent was  
25 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with an  
26 equal to or greater than 0.08% blood alcohol, to wit, 0.12/12% BAC] in the criminal proceeding  
27 entitled *The People of the State of California v. Jason Gary Fuller* (Super. Ct. San Luis Obispo  
28 County, 2002, No. M000329876). The Court sentenced Respondent to 10 days in jail, placed him

1 on three years probation, ordered him to complete a First Offender Alcohol/Drug Program, and to  
2 pay fines. The circumstances underlying the conviction occurred on or about July 19, 2002, when  
3 Respondent was arrested for driving a vehicle with a blood alcohol content level of .12%.

4 d. On or about April 24, 2001, after pleading nolo contendere, Respondent was  
5 convicted of one misdemeanor count of violating Penal Code section 647(f) [disorderly conduct:  
6 intoxication drugs/alcohol] in the criminal proceeding entitled *The People of the State of*  
7 *California v. Jason Gary Fuller* (Super. Ct. San Luis Obispo County, 2001, No. M000310105).  
8 The Court ordered Respondent to pay fines. The circumstances underlying the conviction  
9 occurred on or about March 19, 2001, when law enforcement officers observed that Respondent  
10 was swaying back and forth, had an odor of alcohol emanating from his breath and/or person, had  
11 red and watery eyes, and his speech was slurred. Respondent was arrested by the San Luis  
12 Obispo Police Department for being too intoxicated in a public place to care for the safety of  
13 himself, was placed in the "drunk tank", and formally booked.

14 e. On or about February 13, 2001, after pleading nolo contendere, Respondent was  
15 convicted of one misdemeanor count of violating Penal Code section 647(f) [disorderly conduct:  
16 intoxication drugs/alcohol] in the criminal proceeding entitled *The People of the State of*  
17 *California v. Jason Gary Fuller* (Super. Ct. San Luis Obispo County, 2001 No. M000306797).  
18 The Court ordered Respondent to serve time in jail, or pay a fine. The circumstances underlying  
19 the conviction occurred on or about January 12, 2001, when Respondent was arrested after being  
20 drunk in public and challenging someone to fight. Respondent kicked and physically resisted the  
21 officer while he was attempting to remove property from Respondent's pockets during the arrest.

## 22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

### 23 **(Alcohol-Related Convictions)**

24 11. Respondent's application is subject to denial under Section 2761, subdivision (a),  
25 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that Respondent was  
26 convicted of criminal offenses involving the consumption of alcoholic beverages. Complainant  
27 refers to and by this reference incorporates the allegations set forth above in Paragraph 10,  
28 subparagraphs a – e, inclusive, as though set forth fully.

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 **(Dangerous Use of Alcohol)**

3 12. Respondent's application is subject to denial under Section 2761, subdivision (a), and  
4 2762, subdivision (b), on the grounds of unprofessional conduct, in that Respondent used  
5 alcoholic beverages to an extent or in a manner dangerous to himself and/or others. Complainant  
6 refers to and by this reference incorporates the allegations set forth above in Paragraphs 10 - 11,  
7 inclusive, as though set forth fully.

8 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

9 **(Violations Enumerated in Business & Professions Code § 480)**

10 13. Respondent's application is subject to denial under Section 2736, for grounds  
11 enumerated in Section 480, as follows:

12 a. Section 480, subdivision (a)(1). Respondent sustained five criminal convictions.  
13 Complainant refers to and by this reference incorporates the allegations set forth above in  
14 Paragraph 10, subparagraphs a - e, inclusive, as though set forth fully.

15 b. Section 480, subdivision (a)(3). Respondent's criminal actions are substantially  
16 related and would have been grounds for discipline if committed by a licensee under sections 490,  
17 2761, subdivisions (a), (d) and (f), and 2762, subdivisions (b) and (c). Complainant refers to and  
18 by this reference incorporates the allegations set forth above in Paragraphs 10 - 12, inclusive, as  
19 though set forth fully.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Board of Registered Nursing issue a decision:

- 23 1. Denying Jason Gary Fuller's Registered Nurse License application; and  
24 2. Taking such other and further action as deemed necessary and proper.

25 DATED: March 1, 2012

26 Louise R. Bailey  
27 LOUISE R. BAILEY, M.ED., RN  
28 Interim Executive Officer  
Board of Registered Nursing, Department of Consumer  
Affairs, State of California  
Complainant

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